

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRIAN DAVIS,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.

No. 1:14-CV-3182-JTR

ORDER GRANTING STIPULATED  
MOTION FOR REMAND PURSUANT  
TO SENTENCE SIX OF 42 U.S.C. §  
405(g)

**BEFORE THE COURT** is the parties' Stipulated Motion for Remand of the above-captioned matter to the Commissioner for additional administrative proceedings, including a *de novo* hearing, pursuant to Sentence Six of 42 U.S.C. § 405(g). ECF No. 28. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Martha A. Boden represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

Plaintiff filed his complaint in this matter on November 26, 2014. ECF No. 1. Defendant filed an answer to the complaint, ECF No. 10, and a briefing schedule has been established. The parties, however, have yet to submit briefing in this matter. Based on a previous declaration by Plaintiff's counsel, ECF No. 26, it appears supplemental evidence has recently been admitted to the record, and, based on that supplementation, a remand pursuant to Sentence Six is necessary.

ORDER GRANTING STIPULATED MOTION TO REMAND . . . - 1

1 After considering the file and proposed order, the Court finds good cause  
2 exists for the matter to be remanded, pursuant to Sentence Six, for a *de novo*  
3 hearing and new decision. Accordingly,

4 **IT IS ORDERED:**

5 1. The Defendant's Motion For Remand Pursuant to Sentence Six of 42  
6 U.S.C. § 405(g), **ECF No. 28**, is **GRANTED**.

7 2. The above-captioned case is **REVERSED** and **REMANDED** to the  
8 Commissioner of Social Security for further administrative proceedings, including  
9 a *de novo* hearing, pursuant to sentence six of 42 U.S.C. § 405(g), and a new  
10 decision. On remand, the administrative law judge (ALJ) shall reassess the  
11 severity of Plaintiff's impairments, including his traumatic brain injury and PTSD  
12 in light of the VA disability rating decision, and develop the record accordingly.  
13 The ALJ will also reevaluate Plaintiff's residual functional capacity assessment  
14 and reassess steps four and five of the sequential evaluation process with the  
15 assistance of a vocational expert, if necessary. Plaintiff will be allowed to testify  
16 and present additional evidence at a new hearing.

17 3. The Court shall maintain jurisdiction of this action pursuant to 42  
18 U.S.C. § 405(g). If the outcome is still unfavorable to Plaintiff, he may seek  
19 judicial review by reinstating this case rather than by filing a new complaint.

20 The District Court Executive is directed to enter this Order, forward copies  
21 of the Order to counsel, and **ADMINISTRATIVELY CLOSE THE FILE**.

22 DATED October 6, 2015.



A handwritten signature in black ink, appearing to read "M", is written over a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE